

STANDARD APPLICATION
Harford County
Board of Appeals

Bel Air, Maryland 21014

RECEIVED

MAY 9 2005

HARFORD COUNTY COUNCIL

Case No. 5494
Date Filed 4/29/05
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5494 MAP 48 TYPE Variance

ELECTION DISTRICT 03 LOCATION 2301 Carlo Rd., Fallston

BY Craig & Patricia Shriver

Appealed because a variance pursuant to Sec. 267-35B, Table III of the Harford County

Code to permit an addition to encroach the 40' front yard setback (20' proposed) in the

RR District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name CRAIG S. SHRIVER Phone Number 410-893-7639
Address 2301 CARLO ROAD FALLSTON, MD. 21047
Street Number Street City State Zip Code

Co-Applicant PATRICIA A. SHRIVER Phone Number 410-893-7639
Address 2301 CARLO ROAD FALLSTON, MD 21047
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2301 CARLO RD, FALLSTON MD. 21047

Subdivision White Horse PK

Lot Number 15A

Acreage/Lot Size _____ Election District 3rd

Zoning X- residential (RR)

Tax Map No. 0048 Grid No. 0003A Parcel 0350 Water/Sewer: Private ☒ Public _____

List ALL structures on property and current use: SINGLE FAMILY HOME, PRIMARY RESIDEN
SHED IN BACK YARD, TO STORE TRACTOR & LAWN EQUIPMENT

Estimated time required to present case: 20-30 minutes

If this Appeal is in reference to a Building Permit, state number NO

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

Request

I AM REQUESTING TO ADD A 28'W X 25' LONG ADDITION TO
THE SIDE OF MY HOUSE. THE ADDITION IS TO A RANCHER
STYLE HOUSE. THE BASEMENT PART OF THE ADDITION
WILL BE (B) MADE INTO AN IN-LAW APARTMENT.
This addition would encroach my front yard setback
on each side.

Justification

SEE ATTACHED SHEET

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

HARFORD COUNTY VARIANCE APPLICATION JUSTIFICATION

My justification is due to the uniqueness of my property. My property is unique in two ways. First, on paper my property has two 40ft. set backs from the road, unlike most of the other properties that have just one.

According to county records, my property is on the corner of Carlo Road, in front of the property and Carlo Court, which is on the side of the property. Both requiring 40ft. set backs. However, only Carlo Road is actually there. Carlo Court dead ends one street over. This makes my property unique from the other houses on the street because my property is actually the last house on the street with several hundred feet of privately owned woods to the side of the house. This is where I wish to construct the addition onto my home.

I cannot add on to the back of house due to an existing addition. The opposite side of the house would not be an option because it would be too close to the neighbor's home, so this leaves me with this choice.

There are 26 houses on my street and all but two have additions. This includes 2 homes with a second driveway, which we would also be requesting permission to add.

We would not be changing the basic architectural design of the home in keeping with the neighborhood. We would maintain the same roof design, brick as existing on the front and vinyl siding on the side and back to match existing exterior.

We have contacted Paul Heckel from Harford Co. Health Dept. Regarding the septic system and have determined that our septic of approx. 1250 gallon is sufficient for a 4 bedroom home.

We contacted our neighbors that this would impact and they have each signed a written statement that they would not oppose our addition.

In closing I respectfully request that you consider our unique circumstances and grant permission for a variance to this project.

NOTES:

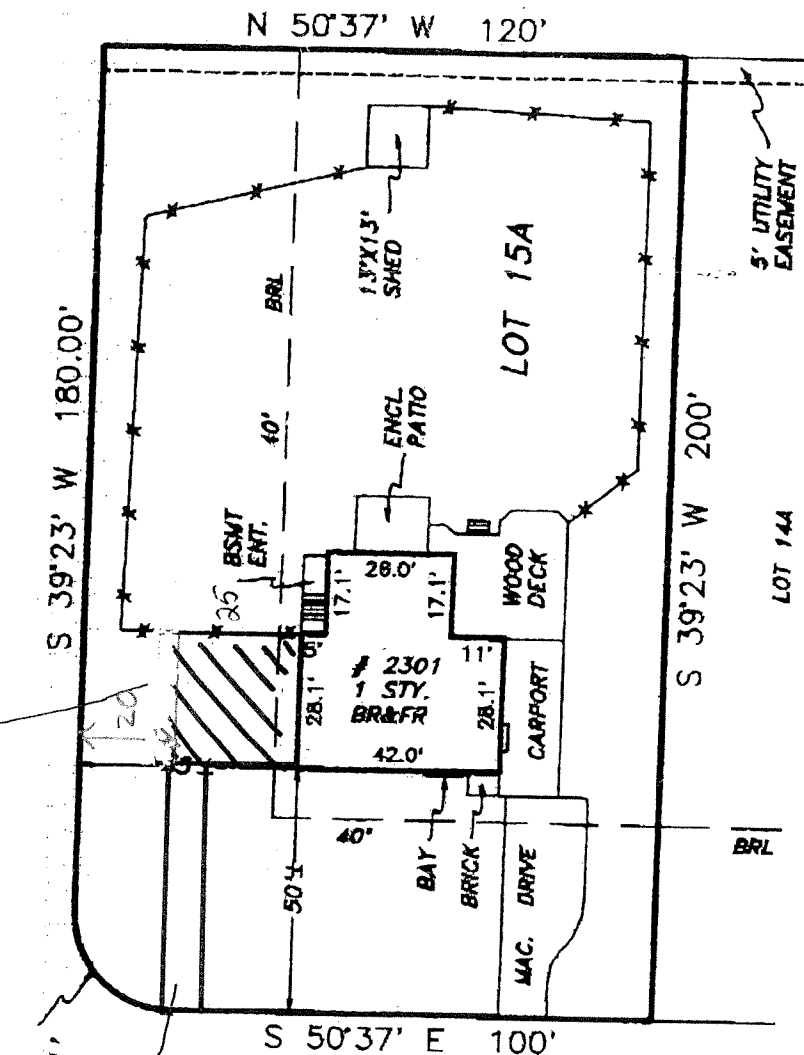
- 1) B.P.L. Information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by MTI, Inc.
- 2) Building and/or Flood Zone Information is subject to the interpretation of the originator.
- 3) MTI, Inc. does not certify to unknown or unrecorded encroachments or easements.
- 4) Property boundaries NOT found, or guaranteed by this location.
- 5) Successor address courtesy, 15.

Get application
Pre-application

Planning & Zoning 410 638-3103

CARLO COURT
50' R/W
25' ADDITION (UNIMPROVED)

NOTE: NO PROPERTY CONTROL FOUND.

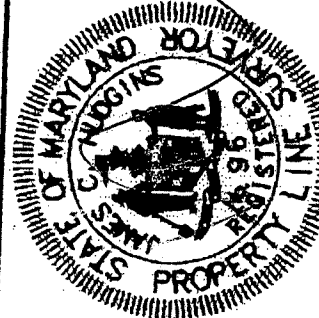


CARLO ROAD
50' R/W
SECOND DRIVEWAY
50' LONG

Subject property is shown in Zone X on the FIRM Map of HARFORD COUNTY, Maryland on Community Panel 24025C0143 D, Effective JANUARY 7, 2000

This is to certify that I have surveyed the property shown hereon, being known as LOT 15A WHITE HOUSE PARK SECTION No 3 and recorded among the land records of HARFORD County, Maryland in Plat 14, folio 24 for the purpose of locating the improvements thereon.

This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing purposes. This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



J. Carl Hudgins PLS #96

LOCATION DRAWING
2301 CARLO ROAD
3rd ELECTION DISTRICT
HARFORD COUNTY, MD.

NTT Associates, Inc.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410) 442-2031
Fax No. (410) 442-1315

Scale: 1" = 40'
Date: 05JUNED1
Field By: RIK
Drawn By: RIK
Drawing # 7872001

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING AND ZONING

HARFORD COUNTY GOVERNMENT

July 15, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5494

APPLICANT/OWNER: Craig S. Shriver
2301 Carlo Road, Fallston, Maryland 21047

Co-APPLICANT: Patricia A. Shriver
2301 Carlo Road, Fallston, Maryland 21047

REPRESENTATIVE: Applicant

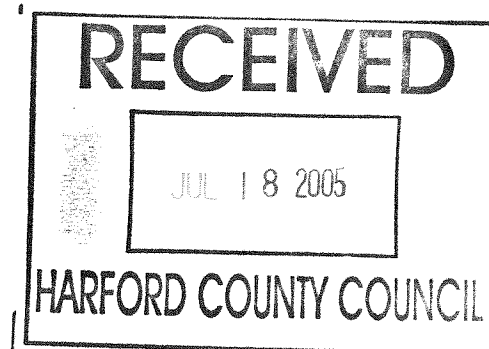
LOCATION: 2301 Carlo Road – White House Park
Tax Map: 48 / Grid: 3A / Parcel: 350 / Lot: 15A
Election District: Third (3rd)

ACREAGE: 24000 square feet
0.55 of an acre

ZONING: RR/Rural Residential District

DATE FILED: April 29, 2005

HEARING DATE: August 17, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"I am requesting to add a 28' wide x 25' long addition to the side of my house. The addition is to a rancher style house. The Basement part of the addition will be made into an in-law apartment. This addition will encroach into my front yard setback on each side."

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Craig & Patricia Shriver

Page 2 of 4

Justification:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code to permit an addition to encroach the 40-foot front yard setback (20-feet proposed) in the RR/Rural Residential District.

Enclosed with the report is a copy of Section 267-35B, Table III of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located in the western area of the County. The lot is located to the west of Carrs Mill Road in the development of White House Park. It is recorded as a corner lot with frontage on Carlo Road and Carlo Court (Carlo Court is unimproved at this time). A location map and a copy of the site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope. The predominant land use designations in this area of the County are Rural Residential and Agricultural. The Natural Features Map reflects Parks, stream systems, Sensitive Species project review areas and Agricultural Preservation Districts and Easements. The subject property is located in the Rural Residential designation which is defined by the 2004 Master Plan as:

Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

This area of the County contains a mix of Agricultural and large lot residential uses. Agricultural uses included cropland, pastureland and areas of dense woodland. Institutional uses include Fallston Middle and High School, Fallston Library, and churches. The topography of the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of a topography map, along with an aerial photograph of the general area (Attachments 7 and 8).

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The subject lot is rectangular in shape. The property is approximately 0.55 of an acre in size with access onto Carlo Road. The portion of Carlo Court adjoining the subject property was never constructed. The lot slopes up from the road to the front of the house and continues up to the rear property line. Improvements consist of a brick and frame rancher with an addition, sunroom and deck attached to the rear. There is an exterior access to the basement on the left rear corner of the dwelling. Located in the rear yard is a shed and swing set. On the right side of the dwelling is a one car carport. The property contains mature trees and shrubbery and all improvements appear to be well maintained. Enclosed with the report are site photographs along with an enlargement of the aerial photographs (Attachments 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications in the area are RR/Rural Residential and Agricultural. The subject property is zoned RR/Rural Residential as shown on the enclosed copy of the aerial photograph (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code to permit an addition to encroach the 40-foot front yard setback (20-feet proposed) in the RR/Rural Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. This subdivision was approved in 1964 and Carlo Court has remained unimproved since the time it was recorded. There are no plans to improve Carlo Court in the near future. The area proposed for the addition functions as a side yard for the property. The Applicants propose to meet the side yard setback of 20 feet. The requested variance will not have any adverse impact on the adjacent properties or the intent of the code.

The Applicants should be aware that the addition cannot be used as a separate living unit unless it meets all requirements for cottage housing.

RECOMMENDATION and or SUGGESTED CONDITIONS:

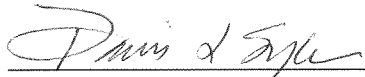
The Department of Planning and Zoning recommends that the request be approved subject to the Applicants obtaining all necessary permits and inspections.

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Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

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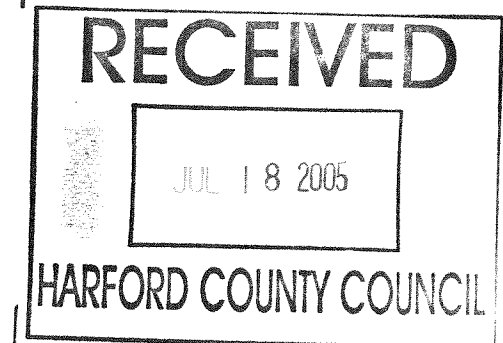
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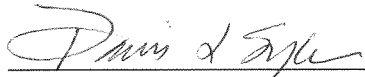
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